

ATTACHMENT A
Implementation of SB 291 (Greene)

For purposes of this policy, relocatable shall be deemed to be any structure that is designed to be relocated which include the definition of portable buildings as defined in Education Code (EC) Section 17742.5 (b).

WAIVER PROVISIONS FROM THE FIELD ACT

Relocatables or Structures Owned - EC Section 39141.10

Any relocatable building or structure owned by the district on or before April 17, 1990 may qualify for a three-year waiver by the State Allocation Board (SAB) from the Field Act requirements if the district provides satisfactory evidence that it is proceeding in a timely manner to eliminate the need for such relocatable building. The SAB already has a board resolution that must be completed by the district for this purpose. The initial three-year waiver may be requested and granted before September 30, 1997.

If the waiver noted above was granted prior to January 1, 1993, the district may be eligible to receive a renewal of the initial waiver for up to an additional three years.

Any relocatable building or structure for which a waiver was granted by the SAB that was in effect on or after October 6, 1995 is automatically given a waiver to September 30, 1997.

EC Section 39141.10 is repealed on September 30, 1997, but any waivers approved by the SAB that extend beyond that date are still in effect until the waiver period has expired.

Relocatables or Structures leased - EC Section 39304.5

Any relocatable or structure leased by the district after September 1, 1990 may qualify for a three-year waiver by the SAB from the Field Act requirements. The initial three-year waiver may be requested and granted up to September 30, 1997. This waiver provision is not available to trailer coaches as outlined in EC Section 39304.5 (c).

If the waiver noted above was granted prior to January 1, 1993, the district may be eligible to receive a renewal of the initial waiver for up to an additional three years.

Any relocatable or structure for which a waiver was granted by the SAB that was in effect on or after October 6, 1995, and will expire on or before September 30, 1996, is automatically given an extension waiver to September 30, 1997.

EC Section 39304.5 is repealed on September 30, 1997, but any waivers approved by the SAB that extend beyond that date are still in effect until the waiver period has expired.

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USE OF NON-FIELD ACT RELOCATABLES

A relocatable building constructed after December 19, 1979 that bears a commercial coach insignia from the Department of Housing and Community Development (HCD) and used as a classroom on or before September 30, 1997, that is either owned or leased by the district that meets the requirements of EC Section 39141.11, may be used as a school building. To meet the requirements of using the relocatable for school purposes, the district must obtain a certification from the Division of State Architect (DSA) that all the requirements of the law have been met. If certification is granted by the DSA, the district must certify to the SAB by resolution when the relocatable is no longer used for school purposes, but no later than September 30, 2007.

CHARGEABILITY OF PORTABLES

Relocatables that receive a waiver for continued use in accordance with EC Sections 39141.10 or 39304.5 do not qualify for non-chargeability as a result of that waiver.

A relocatable building either owned or leased by the district that bear a commercial coach insignia from the HCD is deemed non-chargeable and does not qualify for modernization funds.

Relocatable/portables owned by the district other than HCD buildings are chargeable area unless it qualifies for abandonment by the 20 year rule or the district has submitted structural reports that support abandonment rather than rehabilitation.

Relocatables/portables other than HCD buildings that are leased by the district are deemed chargeable or non-chargeable in accordance with existing Law and SAB policy.